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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,023	04/24/2006	Dieter Ramsauer	GZKSTR100850063820030	2775
26418	7590	04/15/2008		
REED SMITH, LLP			EXAMINER	
ATTN: PATENT RECORDS DEPARTMENT			LUGO, CARLOS	
599 LEXINGTON AVENUE, 29TH FLOOR				
NEW YORK, NY 10022-7650			ART UNIT	PAPER NUMBER
			3673	
			MAIL DATE	DELIVERY MODE
			04/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/577,023

**Applicant(s)**

RAMSAUER, DIETER

**Examiner**

Carlos Lugo

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-70 is/are pending in the application.  
4a) Of the above claim(s) 43-51, 56-61, 69 and 70 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 36-42, 52-55 and 62-68 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species #1, drawn to Figures 1a-2 and 5a-14d in the reply filed on January 24, 2008 is acknowledged. The traversal is on the ground(s) that the applicant believes that a single inventive concept is presented in the claims. This is not found persuasive because each species defined in the restriction requires specific characteristics that make them unique and that require a different search and/or interpretation. The requirement is still deemed proper and is therefore made FINAL.

The applicant states that claims 38, 39-45, 48-56, 61, 62 and 68 reads on the species elected. However, only claims 36-42, 52-55, and 62-68 reads on the species elected. Claims 43, 44, 46-51, 56-61, 69 and 70 are drawn to other species non-elected. Therefore, claims 43, 44, 46-51, 56-61, 69 and 70 will not be considered.

Further, claim 45 requires a grip device that projects from the housing. First, the claim depends from claim 36. At the instant, the claim should be depending from claim 43, since claim 36 does not have a housing claimed. Therefore, claim 45 will not be considered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the key, as claimed in claim 41, in combination with the structure shown in the selected species must be

shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because of the phrase "The description", because it has more than 150 words, and because the phrase "Figs. 1A, 1B, 2, 3A, 3B" at the end of the abstract. Correction is required. See MPEP § 608.01(b).

Art Unit: 3673

4. In Paragraphs 5, 8-11, 13-22, and 32-35, the specification recites "(claim #)" or "(claims #, #)", etc. Applicant is reminded that the specification must support the claims and not vice versa. CFR § 1.74 (a)-(c) recites:

- The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with it is most nearly connected, to make and use the same.
- The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set.
- In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

Therefore, references to the claims in the specification should be removed.

***Claim Objections***

5. **Claims 36-40, 52, 53, 62, 63 and 68 are objected** to because of the following informalities:

- Claim 36 Line 1, change the phrase "A snap fastening adapted for fixing a thin wall" to -A snap fastening fixing a thin wall- (see 112 2<sup>nd</sup> rejection below).
- Claim 36 Line 12, change the phrase "said base part being a guide or channel for one, or two or more push elements" to -said base part having a guide or channel to accommodate at least two push elements- (see 112 1<sup>st</sup> rejection below).
- Claim 36 Line 17, change the phrase "said base part being formed by a plate" to -said base part being formed with a plate-.
- Claim 36 Line 19, the phrase "said base part having substantially the same construction, in particular a mirror- inverted construction of the head part" to - said snap fastening having an additional base part with an additional head part, said additional base part and head part having substantially the same construction as the other base part and head part, said base parts lying at opposite sides of said base plate so as to function as a connector between the thin wall and the wall support, said snap fastening is shaped in such a way that one set of base part and head part is self-locking in an insertion direction against spring force and engage the edges of one of the openings of one of the thin wall or the wall support by the ends of the push elements or holding elements so as to cover the contacting edges of said opening and the other set of base part and

head part is received on the other opening of the other of the thin wall or wall support to cover the contacting edges of said other opening, therefore, maintaining the connection between the thin wall and the support wall- (see 112 2<sup>nd</sup> rejection below).

- Cancel claim 37 (see 112 2<sup>nd</sup> rejection below).
- Claims 38-40, change "claim 37" to -claim 36-.
- Cancel claim 42 (see 112 2<sup>nd</sup> rejection below).
- Claim 52 Line 1, change "A drawer or rack with a thin-walled front plate, wherein the front plate is the thin wall and the drawer receptacle is the wall support according to claim 36, and further comprising a snap fastening or a plurality of snap fastenings according to claim 36" to -A drawer or rack with a front plate and a receptacle, wherein the front plate is the thin wall and the receptacle is the wall support according to claim 36, and further comprising at least one snap fastening according to claim 36-.
- Claim 53 Line 1, change "A cabinet with a thin wall or door leaf, further comprising a snap fastening or a plurality of snap fastenings according to claim 36" to -A cabinet with a thin wall and a wall support according to claim 36, and provided with at least one snap fastening according to claim 36-.
- Claim 62 Line 1, change "wherein the base plate comprise a screw bolt" to - wherein the base plate is secured by screw bolts-.
- Claim 63 Line 1, change "wherein the base is formed by fastening plate with fastening holes" to -wherein the base plate is formed with fastening holes-.

Art Unit: 3673

- Cancel claim 68 (see 112 2<sup>nd</sup> rejection below).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

- The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 36-42, 45, 52-55, and 62-68 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 36 recites that the head part has one or two or more push elements or holding elements. Further, the claim requires an additional inverted base part.

It is unclear how the device, shown in the species elected, can work with only one push element or holding element in combination with an arrangement where it requires two base parts, in an inverted configuration. The current specification and/or drawings fails to give proper support of the limitation.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 36-42, 45, 52-55, and 62-68 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



First, the claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Second, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Third, the current language of the claims makes unclear if the applicant is trying to claim the snap fastening with the structure where is going to be used or just the snap fitting. Therefore, in order to continue with the examination, the claims would be examined as the snap fastening with the structure where is going to be used (see claim objection above for how to overcome this 112 issue).

Fourth, claim 36 recites the limitation, "said base part having substantially the same construction, in particular a mirror- inverted construction of the head part". It is unclear WHAT the applicant is trying to claim as his invention. Therefore, in order to continue with the examination, see claim objection section above to see how was interpreted the claim.

At the instant, the examiner believes that the applicant is trying to claim that the snap fastening has a set of base and head part in each side of the base, having substantially the same construction. The current proposed language is drawn to that interpretation.

Fifth, as to claim 42, the claim recites limitations that are already covered by claim 36, making unclear what the applicant is really claiming. Therefore, in order to continue with the examination, see claim objection section above to see how was interpreted the claim.

At the instant, the examiner believes that the limitation presented in claim 42 is the function of the snap fastening. The current propose amendment, to cancel claim 42 and to incorporate the idea into claim 36, will give a proper function and meaning to what is claimed in claim 36, since at the instant, the claim is vague and broad of what is the invention.

Sixth, claim 68 recites that the base part has substantially the same construction, in particular a mirror-inverted construction of the head part. It is unclear how the base part (18) can have the same construction as the head part (20).

***Allowable Subject Matter***

10. **Claim 36 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph, set forth in this Office action.
11. **Claims 38-41, 52-55, and 62-67 would also be allowed** because the claims depend from claim 36.
12. The prior art of record fails to disclose the invention as claimed **AND** as interpreted by the examiner (see claim objection section above).

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/  
Primary Examiner  
Art Unit 3673

April 10, 2008.